

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

**JEFFREY L. WILHITE,**

Plaintiff,

vs.

**UNION PACIFIC RAILROAD  
COMPANY, A Corporation,**

Defendant.

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CIVIL NO. 8:10-CV-306

**COMPLAINT AND JURY DEMAND**

COMPLAINT FOR DAMAGES UNDER  
THE FEDERAL EMPLOYERS LIABILITY ACT

THE PLAINTIFF ALLEGES FOR CAUSE OF ACTION:

I.

The jurisdiction of this court is based upon the Federal Employers Liability Act, Title 45, U.S.C.A., Section 51, et seq.

II.

That at all times material herein, Defendant was the owner of a railroad, together with its allied equipment and machinery, and was operating and maintaining its trains, tracks, shops and yards, in the State of Nebraska, and other States, and was so actively engaged as a common carrier in interstate commerce and transportation; and,

III.

That the Plaintiff was in the employ of the Defendant working within the course and scope of the employment, and that all or part of the Plaintiff's actions and duties were in compliance with and in furtherance of Defendant's business in interstate commerce; and,

IV.

That on or around January 24, 2008, in the course and scope of his employment as a Clerk for the Union Pacific Railroad at its corporate headquarters in Omaha, Nebraska, Plaintiff was caused to suffer injury to his body, causing a total permanent disability, all by reason of the Defendant's violation of the Federal Employers' Liability Act; and

V.

That the Defendant was negligent in failing to comply with its statutory and nondelegable duty to:

- a) provide the Plaintiff with a safe place to work;
- b) provide safe and proper equipment to do the work;
- c) provide safe customs and practices to do the work; and
- d) provide sufficient personnel and aid to do the work.

VI.

That as a direct result of the Defendant's negligence, the Plaintiff has sustained damages for:

- 1) Loss of earnings, benefits, and loss of earning capacity from the time of the accident to the present, and in the future;
- 2) Pain, suffering and mental anguish, including the effect of his injury on the normal pursuits and pleasures of life, experienced from the date of the accident to the present and reasonably likely to endure in the future as a result of his injury; and
- 3) The reasonable value of medical, hospital, nursing, and similar care and supplies reasonably needed by and actually provided to the plaintiff and reasonably certain to be needed and provided in the future.

**WHEREFORE**, the Plaintiff prays for a money judgment against the Defendant for all damages suffered herein together with costs expended herein.

**JURY DEMAND**

Plaintiff requests Trial by Jury at Omaha, Nebraska.

**JEFFREY L. WILHITE**, Plaintiff,

*s/John P. Inserra*

Nebraska Bar #15084

INSERRA & KELLEY

6790 Grover Street, Suite 200

Omaha, Nebraska 68106-3612

Telephone: (402) 391-4000

Facsimile: (402) 391-4039

Attorneys for Plaintiff

[jpinserra@inserra.com](mailto:jpinserra@inserra.com)